

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THEODORE SCOTT, JR.	:	
Plaintiff	:	
v	:	Civil Action No. JFM-06-1422
PATRICIA JESSMY	:	
Defendant	:	

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MEMORANDUM

The above-captioned action was filed on July 15, 2005. The complaint seeks damages in the amount of 10 million dollars and alleges that unnamed persons have caused plaintiff to be illegally confined. Paper No. 1. Though most of the allegations raised in the complaint are unclear,¹ it appears that plaintiff is challenging the validity of proceedings filed on July 13, 2005, for which he is seeking habeas relief here. *See Scott v. Jessamy*, Civil Action No. JFM-06-1407. For reasons that follow, this case must be dismissed.

To the extent that this action is an attempt to sue for civil damages pursuant to 42 U.S.C. § 1983, regarding allegations that petitioner's rights were violated during a criminal prosecution, the claim has been filed prematurely. Claims challenging the legality of a conviction are not cognizable in a 42 U.S.C. § 1983 action unless and until the conviction is reversed, expunged, invalidated, or impugned and complaints containing such claims must therefore be dismissed without prejudice. *Heck v. Humphrey*, 512 U. S. 477, 487 (1994). Put another way, petitioner's claims for damages cannot be entertained by this Court unless he has

¹ The complaint is handwritten and illegible in many places. Additionally, most of the claims are stated as disjointed phrases and incomplete sentences that are indecipherable.

first successfully challenged his criminal conviction. In the event that the state courts agree with his assessment of the events surrounding his arrest and, as a result, overturn his conviction, he may re-file his constitutional claim for damages at that time.

A separate Order dismissing the complaint without prejudice follows.

June 12, 2006
Date

/s/
J. Frederick Motz
United States District Judge